

REMARKS

I. Support for Claim Amendments

The claims are pending as presented above. The only amendment corrects a mere typographical error by now properly identifying claim 18 (that is, the second occurrence of claim "17" as originally-numbered, is replaced with "18"). This obviates the objection to the claims, and in no way serves to limit the scope of the invention as claimed. The amendment does not introduce new matter.

II. The Restriction Requirement

The claims are alleged to encompass the following two inventions: Group I (claims 1-26), drawn to a method of measuring transferase activity (class 435, subclass 184, for example); and Group II (claims 27-47), drawn to a kit for measuring transferase activity (class 435, subclass 7.91, for example). Further, it is also asserted that certain species election is required, in particular that one specific type of kinase from those recited must be elected. Applicants elect the invention of **Group I (claims 1-26)**, with traverse, and further elect the species "**protein kinase**," with traverse. Applicants traverse is based on the following argument and remarks.

The claims of the invention alleged to comprise Group I (methods) and the claims of the invention alleged to comprise Group II (kits) can be concurrently searched and examined without undue burden. As required by the M.P.E.P., "(i)f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." M.P.E.P. § 803. Applicants believe that the necessary search and subsequent examination of the entirety of the claims (Groups I and II) would place no undue burden on the Examiner, and therefore request reconsideration and withdrawal of the pending Restriction of the claims.

Applicants also traverse the Office's requirement for species election of "one specific type of kinase from those instantly claimed" for further examination (Restriction Requirement, March 14, 2004, page 3). The claimed methods of claims 1-3, for example, relate to transferase enzymatic activity comprising the various recited actions. The claimed methods are applicable to all transferase enzymatic activity and can be searched

and prosecuted without an election of species, without putting an undue burden on the Examiner. Applicants respectfully request that the entire scope of the claims be searched and prosecuted.

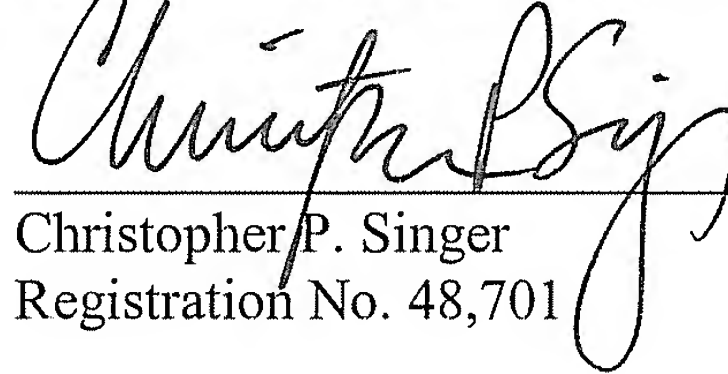
III. Conclusion

For all the reasons stated above, Applicants respectfully request reconsideration and withdrawal of both the Restriction of the claims and the election of species. If the Examiner believes that it would help advance prosecution, he is invited to contact the undersigned.

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By:

Respectfully submitted,
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